

Application No. 10/625,067
Amendment dated April 23, 2004
Reply to Office Action of January 23, 2004

REMARKS / ARGUMENTS

The specification is objected to as containing informalities. The specification has been amended in the manner recited above to correct the informalities by updating the parent application data. It is respectfully submitted that the amendment to the specification traverses the instant objection.

Claims 1-24 were pending in the above-captioned patent application at the time of the Office Action. The Office Action allows claims 16-22. Claims 1-14, 23 and 24 are rejected. Claim 15 is objected to but would be allowable if rewritten in independent form. In response to the objections and rejections, applicant amends claims 1, 9, and 23, and cancels claims 4 and 5.

Each specific ground of rejection is addressed below.

Rejections Under 35 U.S.C. §102

Claims 1-4, 6-8, 23 and 24 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,960,873 to Alexander et al. It is respectfully submitted that claims 1 and 23 as amended traverse the instant ground of rejection by reciting limitations not disclosed in Alexander et al. "... [A]nticipation requires that all of the elements and limitations of the claim are found within a single prior art reference." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

Claim 1 as amended incorporates the limitations of canceled claim 5. Accordingly, claim 1 as amended no longer reads on Alexander et al. Claims 2, 3 and 6-8 are likewise allowable as depending directly on allowable claim 1. Claim 4 is canceled without prejudice and is no longer at issue.

Claim 23 as amended requires a template comprising a substantially cylindrical body having a sidewall, a proximal face and a distal face. The proximal and distal faces are substantially perpendicular to the sidewall of the body, which encloses a primary chamber. A tubular inlet leg engages the proximal face and is aligned with an inlet opening in the

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proximal face, which directly accesses the primary chamber. A tubular main outlet leg engages the distal face and is aligned with a main outlet opening in the distal face, which directly accesses the primary chamber. A tubular offset outlet leg engages the distal face and is aligned with an offset outlet opening in the distal face, which directly accesses the primary chamber.

Alexander et al. discloses a template having a body with a sidewall and a perpendicular distal face. However, Alexander et al. lacks disclosure of a cylindrical body or a perpendicular proximal face which has an inlet opening directly accessing the primary chamber. Accordingly, claim 23 as amended no longer reads on Alexander et al. Claim 24 is likewise allowable as depending directly on allowable claim 23.

Claims 1-4 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,099,919 to Schneider et al. or U.S. Patent 2,745,497 to Dale et al. It is respectfully submitted that claim 1 as amended traverses the instant ground of rejection by reciting a limitation not disclosed in Schneider et al. or Dale et al.

Claim 1 as amended incorporates the limitations of canceled claim 5. Accordingly, claim 1 as amended no longer reads on Schneider et al. or Dale et al. Claims 2, 3 and 8 are likewise allowable as depending directly on allowable claim 1. Claim 4 is canceled without prejudice and is no longer at issue.

Claims 1-5 and 8-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,646,839 to Rickey. It is respectfully submitted that claims 1 and 9 as amended traverse the instant ground of rejection by reciting limitations not disclosed in Rickey.

Claim 1 as amended requires a template comprising a substantially cylindrical body having a sidewall, a proximal face and a distal face. The proximal and distal faces are substantially perpendicular to the sidewall of the body, which encloses a primary chamber. A tubular inlet leg engages the proximal face and is aligned with an inlet opening in the proximal face, which directly accesses the primary chamber. A tubular main outlet leg engages the distal face and is aligned with a main outlet opening in the distal face, which

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directly accesses the primary chamber. A tubular offset outlet leg engages the distal face and is aligned with an offset outlet opening in the distal face, which directly accesses the primary chamber. The body encloses at least one by-pass tube which extends from the proximal face to the distal face in fluid isolation from the primary chamber, inlet leg, main outlet leg and offset outlet leg.

Rickey lacks disclosure of a template having a body and a primary chamber enclosed by the body, wherein the body includes a sidewall and perpendicular proximal and distal faces. Rickey further lacks disclosure of at least one by-pass tube enclosed by the body and extending from the proximal face to the distal face in fluid isolation from the primary chamber, inlet leg, main outlet leg and offset outlet leg. Accordingly, claim 1 as amended no longer reads on Rickey. Claims 2, 3 and 8 are likewise allowable as depending directly on allowable claim 1. Claims 4 and 5 are canceled without prejudice and are no longer at issue.

Claim 9 as amended requires a straddle assembly including a straddle tube having proximal and distal ends and proximal and distal seals positioned substantially at the proximal and distal ends. The proximal seal is mounted in the inlet leg and the distal seal is mounted in the main outlet leg to provide a continuous straddle assembly flow path through the body, which not only substantially prevents fluid flow from the inlet leg into the offset outlet leg, but also substantially prevents fluid flow from the main outlet leg into the offset outlet leg.

Rickey discloses a straddle assembly flow path, which enables fluid flow from the main outlet leg (portion of 15a below transverse bore 15c) into the offset outlet leg (15b) via the transverse bore (15c), while the straddle assembly (25) is in place in the template (15). Accordingly, claim 9 as amended no longer reads on Rickey. Claims 10-14 are likewise allowable as depending directly on allowable claim 9.

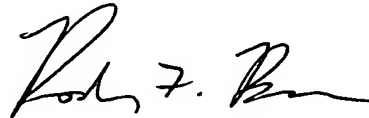
The remaining prior art references made of record and not relied upon have been considered by applicant, but are not deemed sufficient to render the instant pending claims unpatentably obvious.

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Conclusion

In conclusion, applicant respectfully asserts that all pending claims 1-3 and 6-24 in the instant patent application are allowable for the reasons set forth above. Accordingly, an early notice of allowance is earnestly solicited. The Examiner is requested to call the undersigned at (858) 272-8705 for any reason that would advance the instant application to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney F. Brown". The signature is fluid and cursive, with the first name "Rodney" being more prominent than the last name "Brown".

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